IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WA.No. 2105 of 2005()

AGAINST THE JUDGEMENT/ORDER IN WPC.11297/2004 Dated 28/02/2005
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APPELLANT: RESPONDENT 1 TO 3
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, INDUSTRIES AND COMMERCE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF INDUSTRIES AND COMMERCE, VIKAS BHAVAN, THIRUVANANTHAPURAM.

3. THE CONVENOR, JUNIOR DEPARTMENTAL, PROMOTION COMMITTEE, DEPARTMENT OF INDUSTRIES AND COMMERCE, THIRUVANANTHAPURAM .

BY GOVERNMENT PLEADER SRI.BENNY GERVASIZ

RESPONDENTS: PETITIONER & RESPONDENT 4 & 5
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1. MOHANAN NAIR C., INDUSTRIS EXTENSION OFFICER, DIRECTORATE OF INDUSTRIES & COMMERCE, THIRUVANANTHAPURAM.

2. K.SEKHARAN, ASSISTANT DISTRICT INDUSTRIES OFFICER, DISTRICT INDUSTRIES CENTRE, IDUKKI.

3. P.V.SASIDHARAN, ASSISTANT DISTRICT INDUSTRIES OFFICER, T.I.O., PEERMEDU, IDUKKI.

BY ADV. SRI.KKM.SHERIF
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.R.REKESH
GOVT. PLEADER SRI.BENNY GERVASIZ

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

W.A.No. 2105 OF 2005

Dated this the 1st day of December, 2007

JUDGMENT

Radhakrishnan, J.

It is unnecessary to examine the correctness or otherwise of the judgment since the petitioner and the respondents have already retired from service. However it is made clear that for the period he had not worked as Assistant District Industries Officer, he would not be entitled to get salary. The said period will be notionally taken into consideration for the purpose of pension and other retiremental benefits.

Writ Appeal is disposed of as above.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

sv.